



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 27, 2007

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:45 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *P* *A* *P*
Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
(Commissioner Dwyer arrived at 5:50 p.m.)

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 27, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Farley
NOES: None
ABSENT: Dwyer
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. ZONING TEXT AMENDMENT NO. 06-08 (SECTION 230.96 – WIRELESS COMMUNICATION FACILITIES) – Rosemary Medel

Rosemary Medel, Associate Planner, gave an overview of the 2006 moratorium and the proposed amendments which modifies the currently established criteria for wireless communication facilities.

Commissioner Farley asked if under grounding of the facilities was an option.

Leonie Mulvihill, Senior Deputy City Attorney, stated that the ordinance made under grounding more consistent.

Commissioner Speaker questioned who would be responsible for removal of the facilities if the company was bankrupt. Mulvihill stated that the issue is being discussed and perhaps a bond would be set in place.

B. STUDY SESSION ITEMS:

B-1. BRIGHTWATER SPECIFIC PLAN STATUS – Chair Scandura

Chair Scandura introduced the topic and indicated that Commissioner Horgan requested information regarding the Brightwater project.

Scott Hess, Planning Director, suggested a major projects update be held at the next study session.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He advised of two late communications received from the applicant regarding public hearing Item B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Shier-Burnett reported there will be a Green Building Subcommittee meeting on March 29th, and that she attended the League of California Cities Planning Conference in San Diego.

Commissioner Livengood reported that Commissioner Speaker will be attending the next Design Review Board meeting scheduled for April 12, 2007.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE

F. PLANNING COMMISSION COMMENTS:

Commissioner Dwyer stated that he attended the 2007 Chamber of Commerce Planning Conference and was impressed by the information and presentations. He also inquired if the Planning Commission could be invited.

Chair Scandura thanked Bill Zylla, Neighborhood Preservation Manager, for the report on a block wall located at Robinwood School and requested updates on the issue.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Farley

ROLL CALL: *P* *P* *P* *P* *P* *P*
Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley

AGENDA APPROVAL

A MOTION WAS MADE BY HORGAN, SECONDED BY LIVENGOOD, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 27, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

B-1. RECONSIDERATION OF CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL). **Applicant:** Phil Burtis. **Request:** To permit a K-8 school for up to 229 students, pre-school for up to 100 students, day care (before/after-school) for up to 150 children, church services for up to 168 people, Sunday school for up to 100 children, infant/toddler care for up to 20 children and the addition of four 24 ft. by 60 ft. modular classroom buildings at an existing closed school site. **Location:** 5172 McFadden Ave. (south side of McFadden Ave., east of Bolsa Chica St.). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 06-26 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett attended the study sessions on February 27 and March 13, 2007; requested the reconsideration of this item; and visited the site on three occasions.
- Commissioner Livengood attended the study sessions; spoke with the applicant, staff, Commissioners Shier-Burnett and Horgan.
- Commissioner Speaker recused himself.
- Chair Scandura visited the site; spoke with staff, and Mr. Chase; and attended study sessions.
- Commissioner Farley attended study sessions and visited the site.
- Commissioner Dwyer attended the March 13, 2007, study session; reviewed the tape of the February 27, 2007, Planning Commission meeting; and visited the site.
- Commissioner Horgan attended the March 13, 2007, study session; reviewed the tape of the February 27, 2007, Planning Commission meeting; and visited the site.

Ron Santos, Associate Planner, gave a Powerpoint presentation of the project. He reviewed the project and the condition of approval requiring a fence as the basis for the reconsideration. He reviewed the uses of the area in question and options for fencing. Santos stated he received one telephone call from a resident regarding parking issues near the school and two late communications were received from the applicant regarding the requirement.

Commissioner Livengood questioned the school's right to use the entire site.

Dave Dominguez, Community Services Facilities Manager, stated that there is a field allocation process through Ocean View School District which allocates the field to youth sports organizations such as the American Youth Soccer Organization (AYSO).

Discussion ensued between the Commissioners, the applicant and staff regarding the uses of the fields and the presence of children at the area in question.

THE PUBLIC HEARING WAS OPENED

Phil Burtis, Applicant, thanked the Planning Commission for their reconsideration and stressed the importance of child safety to the Grace Lutheran staff. He advised that a fence on the east side of the driveway would not be necessary for child safety as the church does not use the field. He stated that only the AYSO players use the field.

Philip Hice, AYSO Commissioner, stated that he does hold a field allocation permit for the property from the Ocean View School District and the proposed daycare would impact their parking and present child safety issues due to increased traffic. Mr. Hice added that AYSO uses the north field because of an agreement with the school so they may have a playground. He advised that AYSO would consider splitting the cost of the fence with Grace Lutheran Church.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued regarding pickup and drop off areas for the proposed daycare facility, the cost of the fence, speed bump installation, and mandating the Ocean View School District incurs the cost of the fence.

Mulvihill stated that the Ocean View School District is not the applicant for the proposed use therefore, has no incentive and is not required to pay for the fence.

Commissioner Shier-Burnett reviewed her visits to the school and the north field in question. She stated that children were present other than AYSO players, no adult supervision was apparent, and that vehicles were using the driveway. She added that the parking areas were not being efficiently utilized which added to congestion and child safety issues.

Commissioner Farley reiterated to the Commission that AYSO games are not the reason the fence is necessary.

Scandura reminded the applicant that other conditions had been lifted from the proposed project and that the fence is a necessity.

**A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY FARLEY TO APPROVE
CONDITIONAL USE PERMIT NO. 06-26 WITH FINDINGS AND MODIFIED CONDITIONS
FOR APPROVAL, BY THE FOLLOWING VOTE:**

AYES: Shier-Burnett, Livengood, Scandura, Horgan, Dwyer, Farley
NOES: Horgan
ABSENT: None
ABSTAIN: Speaker

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-26

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of the CEQA Guidelines, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:

1. Conditional Use Permit No. 06-26 for the establishment, maintenance and operation of a K-8 School for up to 229 students; pre-school for up to 100 students; day care (before/after-school) for up to 150 children; church with Sunday morning worship services for up to 168 people; Sunday school (during worship) for up to 100 children; infant/toddler care for up to 20 children and four 24 ft. by 60 ft. portable classroom buildings on site will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed project represents use of existing facilities designed and intended for the primary use proposed (school). The proposed church use and additional classrooms represent only a minor expansion of the prior/historical use of the site. In addition, a traffic study has been prepared by a licensed professional traffic engineer and reviewed by City staff. The study concludes that no significant traffic impacts will result and adequate parking is provided on site to ensure no detrimental impacts to surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the proposed school, child care and church represent neighborhood-serving, institutional uses which support the needs of the community. The proposed uses will occupy existing facilities with a long standing presence in the community.
3. The proposed church/child care/school use will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO permits private schools, child care and religious assembly uses in the PS zoning district with approval of a conditional use permit by the Planning Commission. No variances are proposed and the project will be required to provide additional landscaping within the front setback and block wall fencing along the

residential property line, as necessary for compliance with current HBZSO development standards.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of P(RL) (Public – Residential Low Density Underlying Designation) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

Policy LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1

Policy LU 13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to the city review and approval.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

B. Public Facilities and Public Services Element

Policy PF 4.3.1: Continue to encourage the operation of public services, such as elderly or child day care, at “closed” school sites

Policy PF 4.3.2: Investigate the feasibility of permitting and/or providing child or elderly day care services at public and private institutional facilities, such as churches, temples, other religious buildings, hospitals and schools.

Approval of the requested conditional use permit furthers the General Plan Objectives and Policies identified above by providing for the establishment of educational, religious, and child care uses that serve the surrounding neighborhoods. In addition, the project provides for the adaptive re-use of existing institutional facilities (a closed school site) for semi-public purposes, including child day care.

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED JANUARY 9, 2007

RECOMMENDED ACTION: Motion to: “Approve the January 9, 2007, Planning Commission Minutes as submitted.”

A MOTION WAS MADE BY HORGAN, SECONDED BY DWYER, TO APPROVE THE JANUARY 9, 2007, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED JANUARY 23, 2007

RECOMMENDED ACTION: Motion to: "Approve the January 23, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY DWYER, SECONDED BY FARLEY, TO APPROVE THE JANUARY 23, 2007, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: Horgan

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED FEBRUARY 13, 2007

RECOMMENDED ACTION: Motion to: "Approve the February 13, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER-BURNETT, TO APPROVE THE FEBRUARY 13, 2007, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Scandura, Horgan, Farley
NOES: None
ABSENT: None
ABSTAIN: Speaker, Dwyer

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Acting Planning Director - reported on the items from the previous City Council meeting.

- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next City Council meeting.
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett – Wished Commissioner Farley a happy birthday and reported that she and Commissioner Farley attended the green building tour offered at the League of California Cities Planning Conference in San Diego.

Commissioner Speaker – None.

Vice-Chairperson Livengood – Advised he would be unable to attend the April 10, 2007, Planning Commission meeting.

Chairperson Scandura – Reported that five of the seven Commissioners attended the League of California Cities Planning Conference in San Diego on March 21-23. He also wished Commissioner Farley a happy birthday and commended Commissioner Shier-Burnett on the research she conducted regarding Item B-1.

Commissioner Farley – Wished Chair Scandura a happy birthday.

Commissioner Horgan – None.

Commissioner Dwyer – Thanked the League of California Cities for the Planning Conference and stated that more items on green building would be appreciated in future conferences.

ADJOURNMENT:

Adjourned at 8:20 p.m. to the next regularly scheduled meeting of April 10, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair